

PUBLIC ACCESS ROOM

NEWSLETTER

A division of the Legislative Reference Bureau

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Legislative Timetable

January

14th Prefiling of Bills.
21st Opening Day.
26th State-of-the-State Address.
28th Last day for introduction of bills.

February

20th First Lateral.

March

5th First Decking - last day to file non-budget bills.
9th Last day to file budget bills.
11th First Crossover.
16th - 22nd Mandatory 5-day recess.
24th Last day to introduce substantive resolutions.
25th Second Lateral.

April

7th Last day for floor presentations.
8th Second Decking - last day to file bills in non-originating body.
15th Second Crossover - last day to disagree.
16th First Crossover for Concurrent Resolutions.
22nd Deadline for final form of constitutional amendments.
26th Second Crossover for Concurrent Resolutions.
29th Last day to file non-fiscal bills to deck for Final Reading.
30th Last day to file fiscal bills to deck for Final Reading.

May

6th Adjournment Sine Die.

CONSTITUTIONAL AMENDMENTS

INTRODUCTION

The Constitution of the State of Hawaii ensures representation of the people, openness and disclosure, balance of power, and accountability. The process of amending or revising such a basic and fundamental document must carefully balance the fact that it should be neither too easy nor too difficult. As a result, Article XVII of the Hawaii State Constitution provides for two methods of proposing amendments to the constitution: 1) by constitutional convention and 2) by legislative action.

CONSTITUTIONAL CONVENTION

According to Article XVII, Section 2 of the constitution, the legislature may place before the voters at a general or special election the question of whether there will be a constitutional convention to propose a revision or amendments to the constitution. There is no limit to the number of times the legislature may do this, but if nine years elapse without the question appearing on the ballot, the lieutenant governor must place the question on the ballot for the following general election.

If a majority of the ballots cast on this question is in the affirmative, delegates to the convention are chosen at the next regular election unless the legislature provides for the election of delegates at a special election. A qualified voter of the district concerned shall be eligible to membership in the convention. The legislature decides the number of convention delegates, the areas from which they shall be elected, and the manner in which the convention shall convene. The governor shall fill a vacancy by appointment of a qualified voter from the district. The convention determines its own organization and rules of procedure and is responsible for a voter education program about each proposed revision or amendment submitted to the voters. The convention shall convene not less than five months before the next regularly scheduled general election.

AMENDMENTS PROPOSED BY CONSTITUTIONAL CONVENTION

Under Article XVII, Section 2 of the constitution, revisions or amendments proposed by a constitutional convention shall be submitted to voters on the ballot in the form of a question consisting of one subject. Additionally, each question shall have designated spaces for voting "yes" or "no" on the amendment.

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At least 30 days before the election, the convention shall make the full text of the proposals available for public inspection. Every public library, office of the clerk of each county, and the chief election officer shall make this information available to the public. The full text of the proposals shall also be available on the day of election at each polling place.

A proposed amendment to the constitution is ratified at a **general election** if a majority of those voting on the particular amendment vote affirmatively, and if the number of voters making up that majority constitutes at least 50 per cent of the total votes cast at the general election. At a **special election**, an amendment is ratified if the number of voters making up the affirmative majority equals at least 30 per cent of the total number of registered voters. Additionally, Attorney General's Opinion 82-7 concludes that "blank" and "spoiled" ballots are included as part of the total votes cast at an election.

AMENDMENTS PROPOSED BY LEGISLATURE

By Article XVII, Section 3 of the constitution, the legislature may propose revisions or amendments to the constitution. Proposals follow the same legislative process as bills until the last stage, where two alternative methods are allowed for final passage. For a proposed amendment to pass, the final reading cannot take place until after the governor receives at least ten days' written notice, and the proposal must obtain a two-thirds vote on final reading in each chamber. By the ten-day notice, the governor is given the opportunity to use the power of persuasion to object to or support proposed revisions or amendments. Alternatively, a proposed amendment passes, **with or without** written notice to the governor, if it receives a majority vote in both chambers at two successive sessions.

Proposals are entered in the legislative journals and published once in each of four successive weeks in at least one newspaper of general circulation within two months immediately before the next general election. The full text of the proposals shall also be available on the day of election at each polling place.

Ratification of legislatively proposed amendments is determined by the same formula as convention proposals detailed in section 2 of Article XVII. Note, however, that while Section 2 of the constitution allows convention proposals to be voted on at a special or a general election, Section 3 limits voting on legislatively proposed amendments to general elections.

VETO

Under Article XVII, Section 4 of the constitution, proposed revisions or amendments to the constitution, either by a constitutional convention or by the legislature, are not subject to veto by the governor. In addition, once properly passed by the legislature, proposals do not need the signature of the governor to be placed on the ballot in a general election.

CONFLICTING REVISIONS OR AMENDMENTS

By Article XVII, Section 5 of the constitution, if a revision or amendment proposed by a constitutional convention is in conflict with a revision or amendment proposed by the legislature and both are submitted to the electorate at the same election and both are approved, the proposal by the convention shall prevail. On the other hand, if a conflicting revision or amendment is proposed by the same body and both are submitted to the electorate at the same election and both are approved, the proposal receiving the highest number of votes shall prevail.

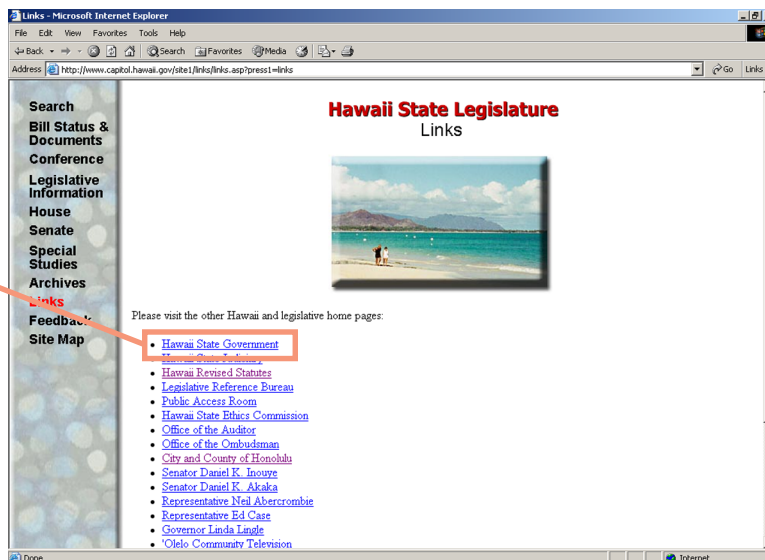
How to Access the Office of Elections Online

The Office of Elections website is accessible through the Hawaii State Legislature website by following the procedure below:

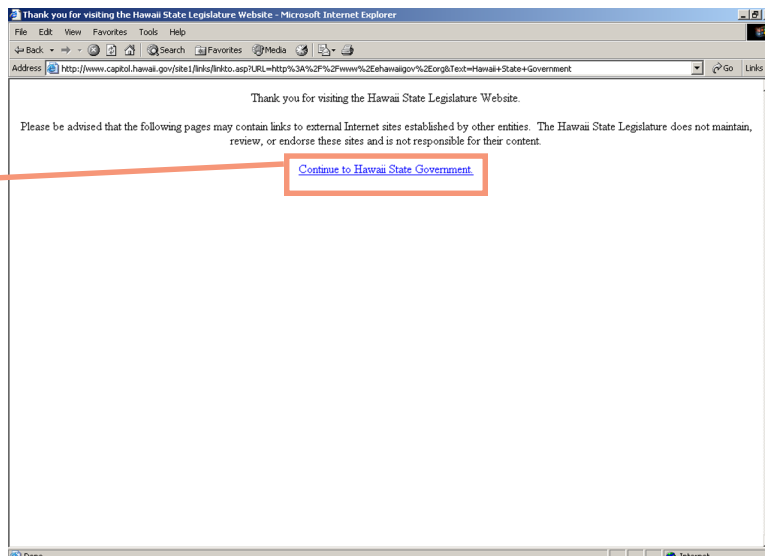
1. Log on to the Hawaii State Legislature website at: www.capitol.hawaii.gov
2. Click on the “Links” option on the right hand side of the screen. From this point, you may also access a number of other government-related links.



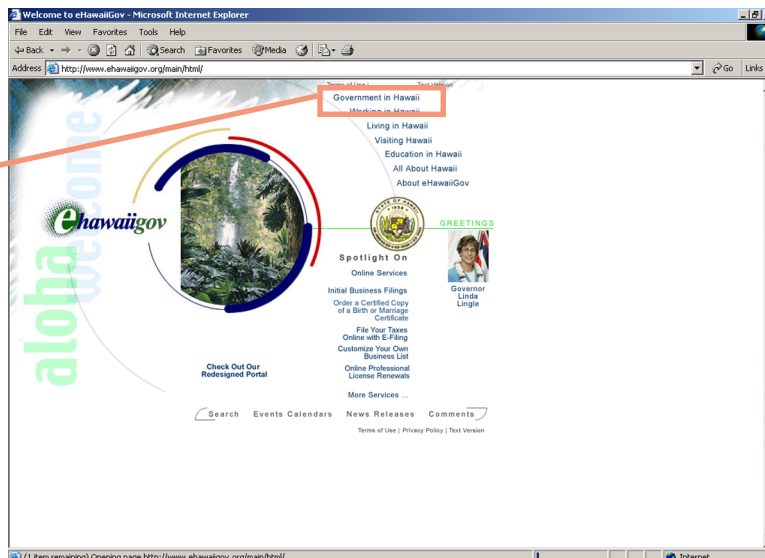
3. From the “Links” page, click onto the “Hawaii State Government” Link (this website may also be reached directly at: <http://www.ehawaii.gov>).



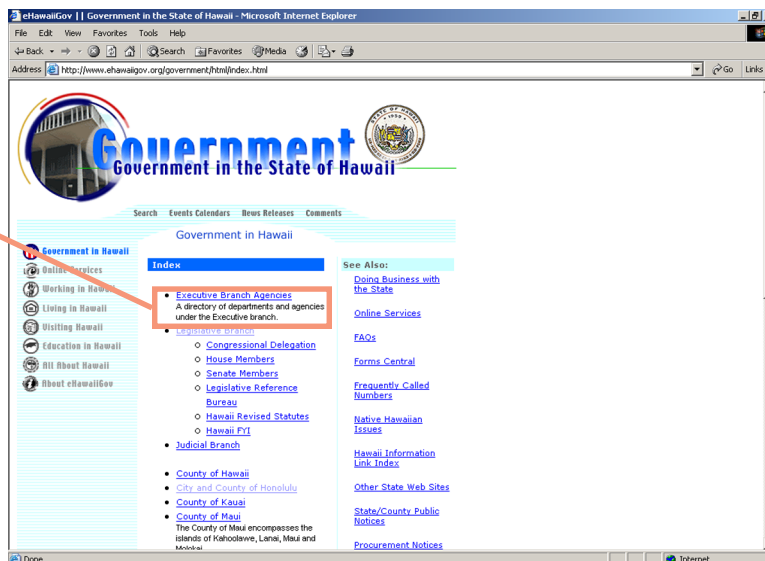
4. A message will appear displaying a disclaimer. In order to move forward you must click on the “Continue to Hawaii State Government” link.



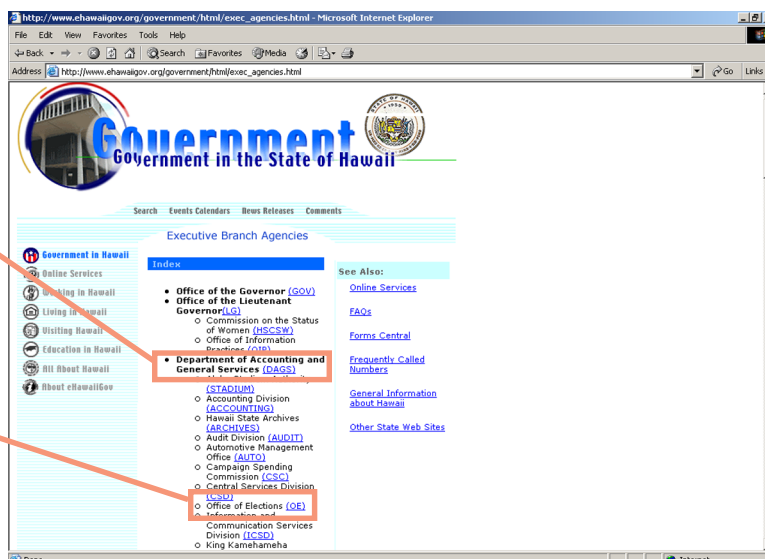
5. Once you reach the “ehawaii.gov” page, the upper right hand portion of the screen will display a menu. Click on the first option in the menu: “Government in Hawaii”.



6. Once on the Government page, refer to the index in the center of the screen. Click on the first link on the list: “Executive Branch Agencies”.



7. From that list, which contains nearly every department and division of the State, find the third link on the index list entitled: “Department of Accounting and General Services (DAGS)”. The 8th bullet below the DAGS link, is the link to the Office of Elections. Click on the blue text: “(OE)”, in order to be directed to the Office of Elections website.



Note: The Office of Elections was placed under the supervision of DAGS in Act 117 of 2003.

8. From the Office of Elections website, you can find out who is running for office, you can register to vote and get information on the upcoming 2004 election.



PAR WORKSHOPS

The Public Access Room of the Hawaii State Legislature offers a series of workshops for the public on a number of topics that pertain to the legislature. The workshops that are available are listed here. They are typically held in the Public Access Room (room 401 in the State Capitol). We can also conduct them in your community based upon the number of attendees and the availability of a suitable venue. If you are interested in learning more about the workshops, please contact the Public Access Room at 587-0478.

Legislative Process – Learn about the Legislative Timetable, Deadlines, Readings, Conference Procedures, and internal rules of the House and Senate.

Useful Internet Sites – Learn about the research tools available on-line including the legislature's website and the State government website.

How to Lobby and Testify – Learn some useful tips and strategies for successful lobbying and advocacy. Learn how to write effective testimony, as well as protocols and rules for submission.

Reading and Understanding Legislative Documents – Learn how to read and understand legislative documents including Orders of the Day, Hearing Notices, Bills and Resolutions, Referral Sheets, Journals and Governor's Messages.

Wow! What a success!

The email testimony submission program has been thrown into full throttle this year. The Public Access Room has received 3,569 pieces of testimony through the testimony@capitol.hawaii.gov email address so far in 2004. Compared to 1,153 last year, we have tripled in volume. Given Hawaii's geographic restrictions as an island state, this program serves as a valuable tool for those who wish to participate in the legislative process but cannot physically get to the State Capitol.